

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0646.01 Gregg Fraser

HOUSE BILL 01-1207

HOUSE SPONSORSHIP

Vigil, Boyd, Jameson, and Plant

SENATE SPONSORSHIP

Perlmutter,

House Committees

Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ASSESSMENT OF IMPACT FEES FOR PUBLIC**
102 **IMPROVEMENTS BY LOCAL GOVERNMENTS THAT HAVE THE**
103 **AUTHORITY TO APPROVE THE SUBDIVISION OF LAND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Specifies that county, town, city, or city and county subdivision regulations shall include provisions requiring impact fees for public improvements when such fees are reasonably necessary to serve the proposed subdivision.

Eliminates the prohibition on impact fees as a funding source for capital construction projects that are the subject of an intergovernmental agreement between a local government and a school district.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

Makes confirming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 30-28-133 (4), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **30-28-133. Subdivision regulations.** (4) Subdivision regulations
5 adopted by the board of county commissioners pursuant to this section
6 shall also include, as a minimum, provisions governing the following
7 matters:

8 (a.5) IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES FOR
9 PUBLIC IMPROVEMENTS WHEN THE FEES OR CHARGES ARE REASONABLY
10 NECESSARY TO SERVE THE PROPOSED SUBDIVISION AND THE FUTURE
11 RESIDENTS THEREOF. FOR PURPOSES OF THIS PARAGRAPH (a.5), "PUBLIC
12 IMPROVEMENTS" INCLUDES, BUT IS NOT LIMITED TO, SCHOOL CAPITAL
13 PROJECTS, WATER SUPPLY FACILITIES, WASTEWATER FACILITIES, ROADS,
14 STREETS AND BRIDGES, LAW ENFORCEMENT SERVICES, LANDFILLS, STORM
15 WATER FACILITIES, PARKS, OPEN SPACE, RECREATION AREAS AND
16 FACILITIES, PUBLIC SAFETY FACILITIES, AND LIBRARIES.

17 **SECTION 2.** 31-23-214, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **31-23-214. Subdivision regulations.** (4) SUBDIVISION
20 REGULATIONS ADOPTED PURSUANT TO THIS SECTION SHALL ALSO INCLUDE
21 PROVISIONS GOVERNING IMPACT FEES OR OTHER SIMILAR DEVELOPMENT
22 CHARGES FOR PUBLIC IMPROVEMENTS WHEN THE FEES OR CHARGES ARE
23 REASONABLY NECESSARY TO SERVE THE PROPOSED SUBDIVISION AND THE
24 FUTURE RESIDENTS THEREOF. FOR PURPOSES OF THIS SUBSECTION (4),
25 "PUBLIC IMPROVEMENTS" INCLUDES, BUT IS NOT LIMITED TO, SCHOOL

1 CAPITAL PROJECTS, WATER SUPPLY FACILITIES, WASTEWATER FACILITIES,
2 ROADS, STREETS AND BRIDGES, LAW ENFORCEMENT SERVICES, LANDFILLS,
3 STORM WATER FACILITIES, PARKS, OPEN SPACE, RECREATION AREAS AND
4 FACILITIES, PUBLIC SAFETY FACILITIES, AND LIBRARIES.

5 **SECTION 3.** 22-54-102 (3), Colorado Revised Statutes, is
6 amended to read:

7 **22-54-102. Legislative declaration - statewide applicability -**
8 **intergovernmental agreements.** (3) (a) Nothing in this article shall be
9 construed to prohibit local governments from cooperating with school
10 districts through intergovernmental agreements to fund, construct,
11 maintain, or manage capital construction projects or other facilities as set
12 forth in section 22-45-103 (1) (c) (I) (A) or (1) (c) (I) (D), including, but
13 not limited to, swimming pools, playgrounds, or ball fields, as long as
14 funding for such projects is provided solely from a source of local
15 government revenue that is otherwise authorized by law. ~~except impact~~
16 ~~fees or other similar development charges or fees.~~

17 (b) Notwithstanding any provision of paragraph (a) of this
18 subsection (3) to the contrary, nothing in this subsection (3) shall be
19 construed to:

20 (I) Limit or restrict a county's power to require the reservation or
21 dedication of sites and land areas for schools or the payment of moneys
22 in lieu thereof pursuant to section 30-28-133 (4) (a), C.R.S., or to limit a
23 local government's ability to accept and expend impact fees or other
24 similar development charges or fees ~~contributed voluntarily on or before~~
25 ~~December 31, 1997~~, COLLECTED PURSUANT TO SECTION 30-28-133 (4)
26 (a.5), C.R.S., to fund the capital projects of school districts; ~~according to~~
27 ~~the terms of agreements voluntarily entered into on or before June 4,~~

1 ~~1996, between all affected parties;~~

2 (II) ~~Affect any agreements entered into before May 1, 1996, that~~
3 ~~were the subject of litigation pending before the Colorado supreme court~~
4 ~~on May 1, 1996. If a supreme court decision affirms the right to impose~~
5 ~~impact fees or other similar development charges or fees, a local~~
6 ~~government that had imposed such fees or charges prior to May 1, 1996,~~
7 ~~may impose and collect such fees and charges until July 1, 1997. If a~~
8 ~~decision of the supreme court rejects the right to impose such fees or~~
9 ~~charges, such local government may impose and collect such fees and~~
10 ~~charges in connection with or as required by a voluntary agreement~~
11 ~~entered into before July 1, 1996, for the term of the agreement. In either~~
12 ~~event, all such impact fees or other similar development charges or fees~~
13 ~~shall be appropriated on or before December 31, 1997.~~

14 (III) Grant authority to local governments to require the
15 reservation or dedication of sites and land areas for schools or the
16 payment of moneys in lieu thereof. ~~however, the prohibition on impact~~
17 ~~fees or other similar development charges or fees contained in this~~
18 ~~subsection (3) shall not be construed to restrict the authority of any local~~
19 ~~government to require the reservation or dedication of sites and land areas~~
20 ~~for schools or the payment of moneys in lieu thereof if such local~~
21 ~~government otherwise has such authority granted by law.~~

22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.